

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re: James L. McCants,
Debtor.

Chapter 13 Proceedings
Case No. 16-27090-beh

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

James L. McCants has filed papers with the Court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to modify the plan as proposed, or if you want the Court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the Court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above. You must also mail a copy to:

ESSERLAW LLC
11805 W. Hampton Ave.
Milwaukee, WI 53225

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and may enter an Order modifying the Plan.

ESSERLAW LLC
11805 W. Hampton Ave.
Milwaukee, WI 53225
414-461-7000 (t)
414-461-8860 (f)

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 X the Debtor;
 the Chapter 13 Trustee;
 the holder of an unsecured claim (Name) (post-confirmation modifications only).
2. This is a request to modify a Chapter 13 Plan (Select A or B):
A. post-confirmation
B. X pre-confirmation (Select i. or ii.);
 - i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
 - ii. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: *Landmark Credit Union*.
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: *to resolve Landmark Credit Union's objection to confirmation and to maintain feasibility*.
4. The reason for the modification is: *see Paragraph 3 above*.
5. Select A. or B.
 - A. The Chapter 13 Plan confirmed or last modified on is modified as follows:
 - B. X The unconfirmed Chapter 13 Plan dated July 14, 2016 is modified as follows:
 1. **The secured claim of Landmark Credit Union related to the Debtor's 2011 Ford Econoline (Proof of Claim No. 3) shall receive adequate protection payments of \$100.00 per month; shall be paid shall be paid the value of the collateral, which the parties agree is \$12,925.00, at 5.5% interest through the Plan.**
 2. **Attorney fees will be paid as follows: The balance held by the Trustee, less applicable adequate protection payments paid pursuant to Paragraph 6(A)(i) of the Plan and Trustee fees paid pursuant to Paragraph 4(A) of the Plan, shall be paid toward attorney fees in the initial disbursement following the confirmation of the Plan. Following confirmation, attorney fees shall be paid concurrently with Landmark Credit Union on a 50/50 basis from available funds as determined by the Trustee.**
 3. **The Debtor's plan payments shall be increased to \$806.00 monthly and shall continue to be paid directly by the Debtor.**

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

1. I, James L. McCants, the debtor in this case, certifies that I have reviewed the modification to the Chapter 13 plan proposed in this motion, and I authorize my attorney to file it with the court.

Debtor – James L. McCants

Date

OR

2. I, Kirk M. Fedewa, attorney for the debtor, James L. McCants, certify that I have reviewed the modification proposed above with the debtor, and that the debtor has authorized me to file with the court.

/s/ Kirk M. Fedewa

Counsel of Debtor

09/22/2016

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated this 22nd day of September, 2016

ESSERLAW LLC
Attorneys for Debtor

/s/ Kirk M. Fedewa

Kirk M. Fedewa

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re: James L. McCants,
Debtor.

Chapter 13 Proceedings
Case No. 16-27090-beh

CERTIFICATE OF SERVICE

STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

The undersigned, being first duly sworn on oath, says on the 22nd day of September, 2016, she placed the NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN, a copy of which is now on file herein, in a properly addressed postage paid envelope and mailed it, or served it electronically if the party accepts electronic service, to the following:

Mary G. Grossman,
Chapter 13 Trustee (via ecf)

James L. McCants
11126 West Maple Lane
Wauwatosa, WI 53225

Mark C. Darnieder, Esq.,
Attorney for Landmark Credit Union
(via ecf)

Landmark Credit Union
PO Bo 510870
New Berlin, WI 53151-0870

/s/ Julie A. Scariot
Affiant

Subscribed and sworn before me
this 22nd day of September, 2016.

/s/ Kirk M. Fedewa
Notary Public, State of Wisconsin
My Commission is permanent.

ESSERLAW LLC
11805 W. Hampton Ave.
Milwaukee, WI 53225
414-461-7000 (t)
414-461-8860 (f)